

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

REVIEW PETITION NO.47 OF 2004
IN
APPEAL NO.619 OF 2004
IN
NOTICE OF MOTION NO.935 OF 2002
IN
SUIT NO.1021 OF 2002

Jayendra Karsandas Dattani

.. Review
Petitioner

v/s.

Arvind Natubhai Dattani & ors.

.. Respondents

Mr.M.M.Vashi for review petitioner.

Mr.Suneel D. Mogre for respondent No.1.

Mr.D.H.Mehta for respondent No.2.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 17th December, 2004

P.C.

Heard Mr.M.M.Vashi, the learned counsel for
the review petitioner.

2. Of what was argued before us for the admission of the appeal on 18th October, 2004, we found that the discretionary order passed by the learned motion Judge did not call for any interference and accordingly, dismissed the appeal. Now new grounds are sought to be urged before us in support of the review application which were not argued when the appeal was taken up for admission.

3. No case for review is made out.

4. Looking to the controversy raised in the suit, we are of the view that it will be in the interest of justice if the suit itself is heard at an early date.

5. In this view of the matter, we grant liberty to the petitioner (original defendant No.1) to apply to the learned trial Judge for appropriate order in that regard.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)